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FM AMEMBASSY KINSHASA
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INFO RUEHXR/RWANDA COLLECTIVE PRIORITY
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY PRIORITY
RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 KINSHASA 001329

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E.O. 12958: DECL: 12/04/2017
TAGS: [MOPS](#) [PGOV](#) [PREF](#) [PREL](#) [KPKO](#) [CG](#)
SUBJECT: AF SPECIAL ADVISOR TIM SHORTLEY'S NOVEMBER 30
TELCON WITH PRESIDENTIAL CHIEF OF STAFF RAYMOND TSHIBANDA

Classified By: CDA Samuel Brock. Reasons 1.4 (b/d).

11. (C) Summary: Shortley called Tshibanda to provide information on his latest conversations with dissident General Laurent Nkunda, and to discuss a possible Congolese Armed Forces (FARDC) military offensive against Nkunda. Shortley told Tshibanda that A/S Frazer agreed that military pressure was part of the agreed policy, but that a political solution was ultimately necessary. He also said that while military pressure was a core element of the policy, protection for civilians and for troops that lay down their arms was critical and equally important. He asked Tshibanda to give assurances that the FARDC would cease military action immediately should Nkunda decide to lay down arms. Tshibanda was dismissive of maintaining further contact with Nkunda, claiming Nkunda had repeatedly rebuffed GDRC offers to let his men disarm peacefully. Tshibanda did state, however, the GRDC had no interest in wanton killing and that fighting would end as soon as Nkunda indicates he will lay down arms. Shortley referred to intense media interest in Secretary Rice's trip to Addis Ababa for the December 5 Tripartite Plus summit and reviewed November 29 Security Council discussions on MONUC mandate renewal. End summary.

Kabila will not go to Addis

12. (C) At Shortley,s request, Embassy Kinshasa organized the call. Ambassador Garvelink and DCM Brock (notetaker) also took part. The call began at 4:25 pm (Kinshasa time) and lasted approximately one hour and 15 minutes. Shortley began by noting that he understood the DRC had not changed its position from last week regarding participation in the December 5 Tripartite Plus Summit. Tshibanda replied in the affirmative, stating it was not possible for President Kabila to attend given his obligation to speak to the nation on December 6. He gave the names of four high-level GDRC officials who would make up the Congolese delegation: Foreign Minister Antipas Mbusa; Defense Minister Chikez Diemu; Interior Minister Denis Kalume; and roving ambassador and diplomatic advisor Seraphin Ngwej. Tshibanda advised that the DRC,s plan for joint action with Rwanda against the FDLR, as mandated under the November 9 Nairobi Communiqué, had been completed. Shortley asked Tshibanda to provide a copy of the plan to Embassy Kinshasa; Tshibanda agreed to do so. (Note: On December 2, a hard copy of the plan was delivered to DCR. On December 1, DCM forwarded an electronic copy -- provided by MONUC -- to Messrs. Swan and Shortley, as well as to Ambassadors Leader and Arietti. End note.)

Shortley,s November 22 conversation with Nkunda

13. (C) Shortley briefed Tshibanda on his November 22 and 29 conversations with Nkunda. On November 22 Nkunda expressed bitterness at recent statements by FARDC General Kayembe and MONUC force commander Gaye that all diplomatic initiatives were off for now. Shortley responded to Nkunda by reiterating USG policy that Nkunda must disarm and that there will be only one army (the "one army policy") in the DRC. Nkunda went over his oft-repeated explanations and demands: he was engaged on four fronts (Mushki, Masisi, Ruchuru, and Nayingali) with approximately 1,000 troops at each front. It was therefore impossible to disengage without a ceasefire or some other form of protection -- sending 500 men to a reintegration center ("brassage") would leave him (Nkunda) vulnerable. His second concern was the presence of ex-FAR (FDLR) forces on front lines; they were being armed by the FARDC with AK-47's. Although the Congolese claimed they were not arming the FDLR, this was not true, Nkunda said.

14. (C) Nkunda's third point on November 22 revolved around the issue of protection. He told Shortley he would disengage in some areas with a ceasefire or other form of protection, but could not do so if the FDLR continued with its preparations to attack his forces and the civilian population. Nkunda's fourth point was that the GDRC discriminated against Nkunda and his forces with regard to reintegration. Unlike the special arrangements provided for several Mai-Mai groups in their own areas, Nkunda's forces had to go far way to Kamina or Kisangani. Shortley said the GDRC had agreed to letting the U.S. observe a ceasefire but time had run out unless he (Nkunda) were to move urgently and thus provide a breakthrough. Nkunda said he was ready but

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required assurances that the GDRC was ready to declare a ceasefire. Nkunda said he agreed with the one army policy and that at some point he would have to go to "brassage." He then returned to his accusations that the FDLR are planning to kill Tutsis. He ended by saying "We will be defeated and killed but we will not kill our people." On this note the November 22 conversation ended.

15. (C) Shortley then reported that on November 29 he spoke again briefly with Nkunda, who repeated his three points regarding reintegration for his men: the men should go to reintegration centers in North Kivu; they should be afforded protection in order to disengage; and there should be a broad ceasefire. Shortley told Nkunda he would convey Nkunda's concerns to Tshibanda the following day and then get back to him.

Tshibanda responds to Nkunda's concerns

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16. (C) Tshibanda did not hesitate to react to Shortley's information on Nkunda and his position. "What's new about anything he told you?" he exclaimed. Clearly upset, Tshibanda asserted Nkunda was rehashing old positions and had

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not moved from "where we started several months ago." Nkunda, Tshibanda stated, wanted everything under his conditions ("brassage" in North Kivu, ceasefire, etc.). Shortley did not disagree and expressed disappointment over Nkunda's failure to respond to reasonable positions because, he said, "we don't have what we need to unlock this problem . . . and everyone would argue that a military solution is not possible with Nkunda. Maybe 50% of the solution could be military but the rest must be political." He continued that at the very least some sort of protection would be needed after the fighting begins to allow Nkunda to send his final group of soldiers -- or some small group of his men -- to a reintegration center. He reiterated that after the fighting

begins a change of strategy would be needed as both sides transitioned from "crumble/containment" to peace.

17. (C) Tshibanda replied that the GDRC is open to finding a solution: "We don,t want to kill people for the sake of it and don,t want this to go on forever. I told you we are open to MONUC securing the area where Nkunda's forces are located and bringing them to the 'brassage' point under observation by other entities. MONUC, however, is the only protection that can be considered; a ceasefire is not possible -- he has wanted this from beginning and we just don,t see why we have to do it; it's impossible. We even offered him exile and he turned us down. How long must we put up with this? This is no change from when we began."

Military solution only is not the best solution

18. (C) Shortley emphasized that if the GDRC chooses to engage Nkunda militarily, "it is not up to us stop you." He stated that Assistant Secretary Frazer had made clear that "military pressure is part of the agree policy, that a political solution was ultimately necessary. In fact, military pressure is a core element of the policy, but protection for civilians and for troops that lay down their arms is equally important." He added: "The nuance is that the solution to the problem is more complicated than military engagement and military solution. I have seen nothing from MONUC yet to help you win the peace with Nkunda; a military solution with surrender as the only option is not a good solution and is not the best option -- it is only one option.

Other options are continued military pressure, with disarmament and a protection plan. And we need to develop this more carefully to give Nkunda an out and to give President Kabila support from the local population and the international community."

19. (C) Tshibanda insisted: "What does this mean) how many more months will this go on? We don,t intend to kill people." Shortley replied that the problem is that once fighting starts there will be a lull that will make Nkunda willing to negotiate. Tshibanda said that the GDRC can talk with him about going to brassage "at any time." Shortley pressed him: "Let,s say you are very successful and you call for a short ceasefire for his men to reintegration centers. He puts sends his men to 'brassage' and this builds confidence and show he is serious." You extend the ceasefire

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and then he sends more men to 'brassage.' But at some point he won,t be able to put men into 'brassage' without some protection and the government will have to decide how to end this) perhaps with a buffer zone from MONUC. The current formula does not now provide for this. Can that concept be introduced?"

110. (C) Tshibanda replied he could not answer; he would have to check with the "operational people." He repeated that Nkunda would use the lull to re-supply his people as "he has done time and time again." Shortley countered: "The difference now is that if you are successful it will be the first time you have weakened him without Rwanda supplying him and with international support for the DRC and against Nkunda. The way you end this will be what the international community remembers when the conflict is over. We want to be of help to prevent an unfortunate outcome." Tshibanda acknowledged that he understood Shortley's position and also understand that everything could get out of hand, but insisted he could not answer until first asking the right people. Again: "At no time do we want to just kill these people. If they lay down arms we will not fight. But we cannot wait forever. We have not been through all of this with you to come to such an outcome."

Next stage: taking on the FDLR

¶11. (C) Shortley noted that the U.S.' main concern was to help the GDRC to build state authority. He said there was concern that there should be no long gap between the end of the Nkunda campaign and the next fight, against the FDLR. He asked Tshibanda if momentum against the FDLR would be maintained to show balance. Tshibanda answered at once: "Absolutely; as soon as we deal with Nkunda we will deal with the FDLR. Shortley interjected that the agreed policy was one of simultaneity, not sequentiality; Tshibanda took the point but stated that the delay in going after the FDLR was due to operational considerations. "You have concerns about the capability of our army," he noted. "It will be better prepared to go after the FDLR later as conditions permit. But we believe that if we have defeated Nkunda but not the FDLR the problem has not been solved at all." Shortley noted that at a resources hearing, a UN stabilization plan has already received a favorable response from the Dutch; EU Great Lakes Envoy Roeland Van der Geer expected a similar reaction at a meeting of the EU Council later in the day.

¶12. (U) Shortley ended the conversation referring to intense media interest in Secretary Rice's trip to Addis Ababa for the December 5 Tripartite Plus summit. He also reviewed in detail the November 29 Security Council discussions on MONUC mandate renewal. Shortley and Tshibanda agreed to speak again in a few days.

¶13. (U) Mr. Shortley has/has cleared this message.
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